

REMARKS

Claims 1-2, 5-6 and 9-10 are rejected under 35 USC 102(b) as being anticipated by Smith et al. (USP 5,923,327).

Claims 3-4, 7-8 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (USP 5,923,327) in view of Hess et al.

The Examiner made the same rejections in this final rejection Official Action as in the previous non-final Official Action of August 8, 2003. The Examiner also disagreed with the arguments made by the Applicant in the response to the non-final Official Action of August 8, 2003 filed in the USPTO on September 24, 2003. The Applicant strongly believes that the Examiner does not fully and accurately ascertain the arguments made by the Applicant to distinguish between the present invention and the prior art. In this request for reconsideration, the arguments made in the response of September 24, 2003, which were correct but not sufficient to convince the Examiner, are further explained in a more explicit and straightforward fashion.

In general, The Examiner alleged that since Figure 10 of Smith et al. depicts an icon with alternating dark and light stripes, Smith et al. anticipate the present invention (i.e. independent claims 1, 5 and 9). The Examiner did not notice the fundamental difference between the present invention and the referenced prior art. Independent claims 1, 5 and 9 of the present invention state that "selected stripes of the light and dark stripes change from light to dark and back to light to indicate a shadow adjacent an edge of said icon and from dark to light and back to dark shadow adjacent an edge of said icon and from dark to light and back to dark to indicate a highlight

adjacent another edge of said icon". Smith et al. show (but not even teaching in the text) in Figure 10 only one situation described by independent claims 1, 5 and 9 of the present invention: when stripes change from light to dark and back to light to indicate a shadow adjacent an edge of the depicted icon. Smith et al. fail (and even did not try) to describe the second situation described by the independent claims 1, 5 and 9 of the present invention: change "from dark to light and back to dark to indicate a highlight adjacent another edge of said icon".

In other words, if Figure 10 of Smith et al. is compared with images of Figures 2A through 2F of the present invention, it can be easily noticed that the house contour of the icon in Figure 10 of Smith et al. is shown using only dark edge, whereas the contours of different objects shown in Figures 2A through 2F of the present invention are shown using a combination of both dark and light edges. That is the fundamental difference between the present invention and Smith et al., which is imbedded in independent claims 1, 5 and 9 of the present invention.

Thus Smith et al. do not describe all claim limitations of the independent claims 1, 5 and 9 of the present invention and these claims are novel and non-obvious and are not anticipated by Smith et al. or by Smith in view of Hess et al., as alleged by the Examiner.

Claim 2, 6 and 10 are dependent claims of independent claims 1, 5 or 9, respectively. Since independent claims 1, 5, and 9 are not anticipated by Smith et al., as shown above, dependent claims 2, 6 and 9 referred to corresponding novel independent claims 1, 5 and 9 are also novel, and, therefore, they are not anticipated by Smith et al. under 35 USC 102(b).

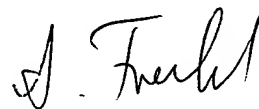
Withdrawal of the 35 U.S.C. 102(b) rejection of claims 1-2, 5-6 and 9-10 is requested.

Again, claims 3-4, 7-8 and 11-12 are dependent claims of independent claims 1, 5 or 9, respectively. Independent claims 1, 5, and 9 are not anticipated by Smith et al., as shown above, or by Smith in view of Hess et al. Since each of the dependent claims 3-4, 7-8 and 11-12 narrows the scope of novel and non-obvious independent claims 1, 5, or 9, non-obviousness of claims 1, 5 or 9 will compel non-obviousness of claims 3-4, 7-8 and 11-12. Therefore, claims 3-4, 7-8 and 11-12 are not anticipated by Smith et al. in view of Hess et al. under 35 USC 103(a).

Withdrawal of the 35 U.S.C. 103(a) rejection of claims 3-4, 7-8 and 11-12 is requested.

The rejections of the Official Action of January 7, 2003, having been obviated or shown to be inapplicable, withdrawal thereof is requested, and passage of the claims to issue is solicited.

Respectfully submitted,



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